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75127 7590 07/14/2010 KING & SPALDING LLP (CITI CUSTOMER NUMBER) ATTN: GEORGE T. MARCOU 1700 PENNSYLVANIA AVENUE, NW SUITE 200 WASHINGTON, DC 20006				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Citi\_Docket@kslaw.com

# Office Action Summary

**Application No.**

09/832,863

**Applicant(s)**

AHUJA ET AL.

**Examiner**

ASHOK B. PATEL

**Art Unit**

2449

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-23 are subject to examination. Claim 16 has been cancelled.

#### ***Response to Arguments***

2. Applicant's arguments filed 10/27/2006 have been fully considered but they are not persuasive for the following reasons:

#### **Applicant's argument:**

"Langseth fails to disclose each and every element of amended independent claims 1, 7, 8, 19 and 23. Specifically, Langseth fails to disclose prompting the customer to select at least one instruction, wherein the at least one instruction is performed by the financial institution if the at least one requested event is triggered."

"Langseth, however, fails to disclose that users may interact with the channel provider in such a way as to execute an instruction based on information obtained from that channel."

"Page 15, lines 5-19. The instant application, therefore, has the added and undisclosed benefit of allowing customers to have previously-stored instructions automatically executed upon the occurrence of an event. Alternatively, the customer may be alerted to the event and asked for a confirmation before the instructions are executed."

#### **Examiner's response:**

Please note :

1. that "the claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed

limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541,550 (CCPA 1969). In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art," it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983).";

2. that "In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992).";

3. that, "Anticipation of a patent claim requires a finding that the claim at issue 'reads on' a prior art reference." *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999) ("In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art."); and

4. that, "It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.".

Langseth teaches "prompting the customer to select at least one instruction, wherein the at least one instruction is performed by the financial institution if the at least one requested event is triggered" at col. 5, line 29-33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example."

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-15, 17 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Langseth et al. (hereinafter Langseth)(US 6, 694, 316 B1).

**Referring to claim 1,**

Langseth teaches a method for notifying a customer of at least one requested event (col. 3, line 59-66, "A subscriber is any individual or entity that signs up to receive a service. A service may be delivered based on a schedule, an exception (such as an alert trigger condition) or upon initiation by an external system or person. A schedule is the frequency for which a service is sent to be processed (e.g., end-of-day (after 5

p.m.), intra-day (every hour between 10 a.m. and 5 p.m.), end-of -week (5 p.m. on Friday)).") comprising:

providing the customer with access to a notification system (col.3, line 21-31, "Subscribers may then sign up to receive output from one or more services from one or more of the channels of information. A service should be understood to be formatted content that is sent to certain subscribers at a certain frequency or based on the occurrence of a predetermined event, such as an update to a database. For example, a service for a finance channel may be called "Market Update" that sends an email to subscribers every day at 5 p.m. with a summary of the market results for the day. That same service may be scheduled to run periodically throughout the day when new market information is loaded into the investor channel database."), including,

(i) determining a status of the customer as a member customer or a non-member customer of a financial institution providing the notification system (col. 5, line 29-33, col. 3, line 34-38, "By categorizing information into channels based on subject-matter, users may more easily identify the content they want and the system may provide more options to customize fees that may be charged to the subscriber.", col. 4, line 17-21, "For example, an Internet service provider, such as Earthlink, may offer its customers the option of receiving information and may then include Earthlink specific information in the content distributed to its subscribers.", **Note:** subscribers (member customer) are customers, however not all customers (non-member customer) are subscribers. Thus system has to determine the status of the customer.),

(ii) generating access data for the customer, and (iii) prompting the customer for the access data (col. 4, line 22-29, "According to the present invention, one or more channels of personalized intelligence information are accessed and distributed to subscribers to one or more services provided for each channel. Subscribers may sign up to receive one or more services for each of the one or more channels through a web interface system that identifies each of the available types of information that the user may access.");

prompting the customer to select at least one requested event (col. 4, line 17-21, "For example, an Internet service provider, such as Earthlink, may offer its customers the option of receiving information and may then include Earthlink specific information in the content distributed to its subscribers.", **Note:** subscribers (member customer) are customers (non-member customer), however not all customers are subscribers.", col. 4, line 22-29, "According to the present invention, one or more channels of personalized intelligence information are accessed and distributed to subscribers to one or more services provided for each channel. Subscribers may sign up to receive one or more services for each of the one or more channels through a web interface system that identifies each of the available types of information that the user may access.");

storing the customer's at least one requested event selection in a first database (col. 4, line 33-39, "The subscriber information may be stored in a subscription database that are periodically provided to the channel databases. The subscription information for each subscriber to a service handled by a channel database may be stored for the service for later processing and generation of service output by the system.");

prompting the customer to select at least one instruction, wherein the at least one instruction is executed by the financial institution if the at least one requested event is triggered; storing the customer's at least one instruction in a second database (col. 5, line 29-33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.")

prompting the customer to select at least one method of notification;

storing the customer's at least one method of notification selection in the first database (col. 4, line 28-33, col. 15, line 62-65, "These messages can be sent to pagers, mobile phone, email servers, fax machines, personal digital assistants, as HTML pagers, telephone, and other terminal devices.");

prompting the customer to select at least one time for notification;

storing the customer's at least one time for notification selection in the first database (col. 4, line 22-38, col. 11, line 7-48);

receiving trigger data from at least a third database into the notification system that triggers the at least one requested event (col. 4, line 63-66, "A nerve center is provided to control the overall operation of the system. Specifically, the nerve center tracks updates to the channel database and the data load system and controls operation of the data distribution system.");

formulating a first notification message that includes information about the at least one requested event (col. 5, line 9-28); and



sending the first notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification (col. 15, line 55-col. 16, line 3, "Data distribution system 42 may comprise software coded components operated on hardware systems. In an embodiment, both message generator system 68 and message mail formatting system 70 may be provided on a single processing system. The software coded components may comprise Visual Basic 6.0 code that loads data from the Channel Databases and sends that information to end users, whether there is only one or millions. These messages can be sent to pagers, mobile phones, email servers, fax machines, personal digital assistants, as HTML pagers, telephone, and other terminal devices. It achieves this scaling by a multiple-tier architecture that allows for load balancing and scalability on many data distribution servers 62 controlled by one data distribution control system 60. Data distribution system 42 retrieves the data for messages, formats these messages, and sends them through mail server system 72.");

executing the at least one instruction by the financial institution;

formulating a second notification message that includes information about the at least one instruction; and sending the second notification message to the customer via the customer's at least one method of notification. (col. 5, line 29-33)

**Referring to claims 2 and 3,**

Langseth teaches the method according to claim 1, further comprising prompting the customer to select a method of payment for using the notification system, and the method according to claim 2, wherein only non-member customers are

prompted to select a method of payment for using the notification system (col. 13, line 24-30, "Additionally, a transaction processing system may be provided to execute transactions related to the subscription. For example, the subscriber may be charged a fee for the transaction and the subscription transaction processing system 47 may execute that transaction using credit card, electronic payments, or any other method of payment to execute that transaction.")

**Referring to claim 5,**

Langseth teaches the method according to claim 1, wherein the second database contains customer-specific financial account information (col.5, line 29-33).

**Referring to claim 6,**

Langseth teaches the method according to claim 5, wherein the customer is a non-member customer (col. 4, line 17-21).

**Referring to claim 7,**

Langseth teaches a system for notifying a customer of at least one requested event (col. 3, line 59-66, ""A subscriber is any individual or entity that signs up to receive a service. A service may be delivered based on a schedule, an exception (such as an alert trigger condition) or upon initiation by an external system or person. A schedule is the frequency for which a service is sent to be processed (e.g., end-of-day (after 5 p.m.), intra-day (every hour between 10 a.m. and 5 p.m.), end-of-week (5 p.m. on Friday).") comprising:

means for providing the customer with access to a notification system (Fig. 3, element 24, col. 3, line 21-31, "Subscribers may then sign up to receive output from one

or more services from one or more of the channels of information. A service should be understood to be formatted content that is sent to certain subscribers at a certain frequency or based on the occurrence of a predetermined event, such as an update to a database. For example, a service for a finance channel may be called "Market Update" that sends an email to subscribers every day at 5 p.m. with a summary of the market results for the day. That same service may be scheduled to run periodically throughout the day when new market information is loaded into the investor channel database."), including,

(i) means for determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system (col. 3, line 34-38, "By categorizing information into channels based on subject-matter, users may more easily identify the content they want and the system may provide more options to customize fees that may be charged to the subscriber.", col. 4, line 17-21, "For example, an Internet service provider, such as Earthlink, may offer its customers the option of receiving information and may then include Earthlink specific information in the content distributed to its subscribers.", **Note:** subscribers (member customer) are customers, however not all customers (non-member customer) are subscribers. Thus system has to determine the status of the customer.),

(ii) means for generating access data for the customer, and (iii) means for prompting the customer for the access data (col. 4, line 22-29, "According to the present invention, one or more channels of personalized intelligence information are accessed and distributed to subscribers to one or more services provided for each channel.

Subscribers may sign up to receive one or more services for each of the one or more channels through a web interface system that identifies each of the available types of information that the user may access.”);

means for prompting the customer to select at least one requested event (col. 4, line 17-21, “For example, an Internet service provider, such as Earthlink, may offer its customers the option of receiving information and may then include Earthlink specific information in the content distributed to its subscribers.”, **Note:** subscribers (member customer) are customers, however not all customers (non-member customer) are subscribers.”, col. 4, line 22-29, “According to the present invention, one or more channels of personalized intelligence information are accessed and distributed to subscribers to one or more services provided for each channel. Subscribers may sign up to receive one or more services for each of the one or more channels through a web interface system that identifies each of the available types of information that the user may access.”);

means for prompting the customer to select at least one instruction, wherein the at least one instruction is executed by the financial institution if the at least one requested event is triggered (col. 5, line 29-33, “Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.”) ;

means for storing the customer’s at least one requested event selection (col. 4, line 33-39);

means for storing the customer's at least one instruction (col. 5, line 29-33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.");

means for prompting the customer to select at least one method of notification;

means for storing the customer's at least one method of notification selection (col. 4, line 28-33, col. 15, line 62-65, "These messages can be sent to pagers, mobile phone, email servers, fax machines, personal digital assistants, as HTML pagers, telephone, and other terminal devices.");

means for prompting the customer to select at least one time for notification;

means for storing the customer's at least one time for notification selection (col. 4, line 22-38, col. 11, line 7-48);

means for receiving trigger data into the notification system that triggers the at least one requested event (col. 4, line 63-66, "A nerve center is provided to control the overall operation of the system. Specifically, the nerve center tracks updates to the channel database and the data load system and controls operation of the data distribution system.");

means for formulating a notification message that includes information about the at least one requested event; means for sending the notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification (col. 15, line 55-col. 16, line 3, "Data distribution system 42 may comprise software coded components operated on hardware systems. In an

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embodiment, both message generator system 68 and message mail formatting system 70 may be provided on a single processing system. The software coded components may comprise Visual Basic 6.0 code that loads data from the Channel Databases and sends that information to end users, whether there is only one or millions. These messages can be sent to pagers, mobile phones, email servers, fax machines, personal digital assistants, as HTML pagers, telephone, and other terminal devices. It achieves this scaling by a multiple-tier architecture that allows for load balancing and scalability on many data distribution servers 62 controlled by one data distribution control system 60. Data distribution system 42 retrieves the data for messages, formats these messages, and sends them through mail server system 72.”); and

executing the at least one instruction by the financial institution (col. 5, line 29-33, “Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.”).

**Referring to claim 8,**

Langseth teaches a system for notifying a customer of at least one requested event comprising:

means for generating a customer's financial notification preferences (col. 11, line 7-48) which include,

- (i) at least one requested event(col. 11, line 7-48),
- (ii) a customer's notification method preferences (col. 4, line 28-33);
- (iii) a customer's time for notification preferences (col. 11, line 7-48); and

(iv) at least one instruction, wherein the at least one instruction is executed by the financial institution if the at least one requested event is triggered (col. 5, line 29-33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.");

a database containing the customer's financial notification preferences (col. 4, line 33-39, Fig.3, element 26);

a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source (Fig. 19, elements 916, 918, 920);

a first notification message generator for comparing the at least one requested event with the financial information and generating a first notification message when the financial information matches the at least one requested event (col. 15, line 55-col. 16, line 3, col. 11, line 7-48);

a first notification gateway for sending the first notification message to the customer according to the customer's notification method preferences and time for notification preferences (Fig. 6);

means for executing the at least one instruction;

a second notification message generator for generating a second notification message when the at least one instruction is executed;

a second notification gateway for sending the second notification message to the customer according to the customer's notification method preferences (col. 5, line 29-

33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example."); and

a database for generating a notification report at the customer's request, wherein the notification report includes at least data describing each notification message sent to the customer during a customer selected period of time (Fig. 5, element 62, line 15, line 55-col. 16, line 3, col. 26, line 36-51,)

**Referring to claim 9,**

Langseth teaches the system according to claim 8, wherein the at least one requested event is related to one of the following group consisting of a customer checking account, a customer savings account, a customer financial portfolio, a customer credit card, stock quotes, foreign exchange rates, interest rates, and loans (col. 11, line 7-48).

**Referring to claim 10,**

Langseth teaches the system according to claim 8, wherein the customer's notification method preferences are selected from the following group consisting of electronic mail, hypertext mark-up language, pager, mobile phone text messaging, extensible mark-up language, facsimile, short message service, and telephone (col. 4, line 28-33, col. 15, line 62-65)

**Referring to claim 11,**



Langseth teaches the system according to claim 8, wherein the customer's notification time preferences are selected from the following group consisting of instantaneously, hourly, daily, weekly, and monthly (col. 11, line 7-48).

**Referring to claim 12,**

Langseth teaches the system according to claim 8, wherein the at least one internal source is a financial institution that is hosting the system (Fig. 19, elements 916, 918, 920).

**Referring to claim 13,**

Langseth teaches the system according to claim 8, wherein the at least one external source is the Internet (Fig. 2A, element 202)

**Referring to claim 14,**

Langseth teaches the system according to claim 8, wherein the at least one external source is a financial institution that is not hosting the system (Fig. 2A, element 40).

**Referring to claim 15,**

Langseth teaches the system according to claim 8, wherein customers are identified in the first database as being either member customers or non-member customers (Fig. 2A, elements 40 and 202, col. 4, line 17-21).

**Referring to claim 17,**

Langseth teaches the system according to claim 8, wherein the financial information includes customer's checking account balance, customer's savings account balance, customer's portfolio value, stock quotes, and interest rates(col. 11, line 7-48).

**Referring to claim 19,**

Langseth teaches a method for formulating an alert message containing financial information for a customer (col. 3, line 59-66) comprising:

storing an alert prompt in a first database of a notification system hosted by a financial institution (col. 11, line 7-48), wherein the alert prompt includes,

(i) prompt details(col. 11, line 7-48),

(ii) a preferred method for notifying the customer of the alert message (col. 4, line 28-33, col. 15, line 62-65), and

(iii) a preferred time for notifying the customer of the alert message (col. 11, line 7-48, col. 4, line 22-38);

(iv) information about an instruction (col. 5, line 29-33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.");

receiving financial information into a second database of the notification system (col. 4, line 63-66),

wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host financial institution (col. 7, line 7-48, Fig. 19, elements 916, 918, 920) ;

comparing the incoming financial information with the prompt details of the alert prompt in the first database (col. 7, line 7-48, "In a finance channel, one or more of the following services may be provided: weekly portfolio summary, high 200-day moving averages by sector, low 200-day moving averages by sector, price-sales ratio by sector, annual total return by sector, broker recommendations by industry, P/E analysis by sector, book value analysis by sector, earnings growth rate to price appreciation by sector, comparison of dividend yields, earnings yields and P/E ratios of selected stocks by sector, today's winners by largest points increase, today's winners by largest money moved, today's loser's by largest points drop, low revenue growth alert, high revenue growth alert, stock split alert, new offering alert, new high's alert, new high's within my industry sectors, new low's alert, new high's for stocks in my portfolio, top price percentage gainer, lowest price percentage movers, top money movers in my portfolio, smallest money movers, above-average trading alert, market's largest money movers, portfolio's largest money movers, most actively trading stocks in my portfolio, low P/E stocks, low P/E's by sector, change in consensus estimate alert, analyst recommendation alert, above average trading alert, new 52 week high/low alert, stock split in portfolio alert, stock splits, comparable analysis on all portfolio stocks, tech sector update, sector trading analysis, earnings growth, latest twelve month financial update, P/E analysis, quarterly technical analysis, portfolio stocks by LTM revenues, portfolio stocks by capitalization, portfolio stocks by revenue and P/E analysis, portfolio stocks by capitalization and earnings analysis, dividend alert, quarterly sheets, cash flow statement, winners by sector, highest P/E by industry, lowest P/E ratios by industry,

industry comparisons, sector comparison, new 52 week highs and lows by industry, top analysis recommendations, weekly analysis and portfolio summary, market update, currency analysis, intraday alerting (stock) and intraday alerting (currency), stock market news alert, stock market news analysis, sector indices, losers by market, earnings reports today, price alert, tech stocks, IPO center, IPO alert, and benchmark alert, for example. Additionally, when subscribers sign up for services on the finance channel, the following information may be input: frequency of updates, sectors of interest, currency of interest, stocks in portfolio, news interests, output methodology among other personalization options." **Note: Comparison is inherent of the operation of the system.);**

notifying the customer through the preferred method at the preferred time through an alert message when the prompt details match the incoming financial information, wherein the alert message includes a request for a reply message; and if a reply message is received, executing the instruction (col. 15, line 55-col. 16, line 3, col. 4, line 28-33, col. 15, line 62-65, col. 5, line 29-33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.")

**Referring to claim 20,**

Langseth teaches the system according to claim 19, wherein the at least one internal source is a financial institution that is hosting the system (Fig. 19, elements 916, 918 and 920).

**Referring to claim 21,**

Langseth teaches the system according to claim 19, wherein the at least one external source is the internet (Fig. 2A, element 202).

**Referring to claim 22,**

Langseth teaches the system according to claim 19, wherein the at least one external source is a financial institution that is not hosting the system (Fig. 2A, element 40).

**Referring to claim 23,**

Langseth teaches a method for notifying a customer of at least one requested event (col. 3, line 59-66, "A subscriber is any individual or entity that signs up to receive a service. A service may be delivered based on a schedule, an exception (such as an alert trigger condition) or upon initiation by an external system or person. A schedule is the frequency for which a service is sent to be processed (e.g., end-of-day (after 5 p.m.), intra-day (every hour between 10 a.m. and 5 p.m.), end-of-week (5 p.m. on Friday)).") comprising:

providing the customer with access to a notification system (col.3, line 21-31, "Subscribers may then sign up to receive output from one or more services from one or more of the channels of information. A service should be understood to be formatted content that is sent to certain subscribers at a certain frequency or based on the occurrence of a predetermined event, such as an update to a database. For example, a service for a finance channel may be called "Market Update" that sends an email to subscribers every day at 5 p.m. with a summary of the market results for the day. That

same service may be scheduled to run periodically throughout the day when new market information is loaded into the investor channel database.”), including,

(i) determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system (col. 3, line 34-38, “By categorizing information into channels based on subject-matter, users may more easily identify the content they want and the system may provide more options to customize fees that may be charged to the subscriber.”, col. 4, line 17-21, “For example, an Internet service provider, such as Earthlink, may offer its customers the option of receiving information and may then include Earthlink specific information in the content distributed to its subscribers.”, **Note:** subscribers (member customer) are customers, however not all customers (non-member customer) are subscribers. Thus system has to determine the status of the customer.),

(ii) generating access data for the customer, and (iii) prompting the customer for the access data (col. 4, line 22-29, “According to the present invention, one or more channels of personalized intelligence information are accessed and distributed to subscribers to one or more services provided for each channel. Subscribers may sign up to receive one or more services for each of the one or more channels through a web interface system that identifies each of the available types of information that the user may access.”);

prompting the customer to select at least one requested event (col. 4, line 17-21, “For example, an Internet service provider, such as Earthlink, may offer its customers the option of receiving information and may then include Earthlink specific information in

the content distributed to its subscribers.”, **Note:** subscribers (member customer) are customers, however not all customers (non-member customer) are subscribers.”, col. 4, line 22-29, “According to the present invention, one or more channels of personalized intelligence information are accessed and distributed to subscribers to one or more services provided for each channel. Subscribers may sign up to receive one or more services for each of the one or more channels through a web interface system that identifies each of the available types of information that the user may access.”);

prompting the customer to select at least one instruction wherein the at least one instruction may be executed by the financial institution if the at least one requested event is triggered (col. 5, line 29-33, “Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.”);

prompting the customer to select at least one method of notification; (col. 4, line 28-33, col. 15, line 62-65, “These messages can be sent to pagers, mobile phone, email servers, fax machines, personal digital assistants, as HTML pagers, telephone, and other terminal devices.”);

prompting the customer to select at least one time for notification (col. 4, line 22-38, col. 11, line 7-48);

formulating an alert prompt wherein the alert prompt includes,

(i) the at least one requested event (col. 11, line 7-48),,

(ii) the customer's at least one method of notification (col. 4, line 28-33, col. 15, line 62-65),, and

(iii) the customer's at least one time for notification (col. 11, line 7-48, col. 4, line 22-38),

(iv) information about the customer's at least one instruction (col. 5, line 29-33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example."); and

storing the alert prompt in a first database of the notification system (col. 11, line 7-48, col. 4, line 28-39, col. 15, line 62-65);

receiving financial information into a second database of the notification system, wherein the incoming financial information is received into the second database from at least one outside source and at least one inside source, and further wherein the incoming financial information received from the at least one inside source results from a change in at least one customer account maintained by the host institution (col. 7, line 7-48, Fig. 19, elements 916, 918, 920);

comparing the incoming financial information with the at least one requested event of the alert prompt in the first database (col. 7, line 7-48, "In a finance channel, one or more of the following services may be provided: weekly portfolio summary, high 200-day moving averages by sector, low 200-day moving averages by sector, price-sales ratio by sector, annual total return by sector, broker recommendations by industry, P/E analysis by sector, book value analysis by sector, earnings growth rate to price



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appreciation by sector, comparison of dividend yields, earnings yields and P/E ratios of selected stocks by sector, today's winners by largest points increase, today's winners by largest money moved, today's loser's by largest points drop, low revenue growth alert, high revenue growth alert, stock split alert, new offering alert, new high's alert, new high's within my industry sectors, new low's alert, new high's for stocks in my portfolio, top price percentage gainer, lowest price percentage movers, top money movers in my portfolio, smallest money movers, above-average trading alert, market's largest money movers, portfolio's largest money movers, most actively trading stocks in my portfolio, low P/E stocks, low P/E's by sector, change in consensus estimate alert, analyst recommendation alert, above average trading alert, new 52 week high/low alert, stock split in portfolio alert, stock splits, comparable analysis on all portfolio stocks, tech sector update, sector trading analysis, earnings growth, latest twelve month financial update, P/E analysis, quarterly technical analysis, portfolio stocks by LTM revenues, portfolio stocks by capitalization, portfolio stocks by revenue and P/E analysis, portfolio stocks by capitalization and earnings analysis, dividend alert, quarterly sheets, cash flow statement, winners by sector, highest P/E by industry, lowest P/E ratios by industry, industry comparisons, sector comparison, new 52 week highs and lows by industry, top analysis recommendations, weekly analysis and portfolio summary, market update, currency analysis, intraday alerting (stock) and intraday alerting (currency), stock market news alert, stock market news analysis, sector indices, losers by market, earnings reports today, price alert, tech stocks, IPO center, IPO alert, and benchmark alert, for example. Additionally, when subscribers sign up for services on the finance

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channel, the following information may be input: frequency of updates, sectors of interest, currency of interest, stocks in portfolio, news interests, output methodology among other personalization options." **Note:** Comparison is inherent of the operation of the system.); and

sending a notification message to the customer via the customer's at least one method of notification at the customer's at least one time for notification when the at least one requested event matches the incoming financial information. (col. 15, line 55-col. 16, line 3, col. 4, line 28-33, col. 15, line 62-65), wherein the notification message contains at least a confirmation request for execution of the at least one instruction; and if confirmation is received, executing the at least one instruction(col. 5, line 29-33, "Alert services for the finance channel may also be provided. In this embodiment, a subscriber may select to be notified immediately after his stock portfolio experiences a predetermined amount of change, such as 10%, for example.", col. 22, line 59-col. 23, line 2).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (hereinafter Langseth)(US 6, 694, 316 B1). in view of Rajan et al. (hereinafter Rajan) (US 6, 633, 910)

**Referring to claim 4,**

Langseth teaches the method according to claim 1, wherein at least the steps of providing the customer with access to a notification system (col. 4, line 17-21, 22-28), prompting the customer to select at least one requested event (col. 4, line 22-28), prompting the customer to select at least one method of notification (col. 4, line 33-39), but, Langseth fails to teach prompting the customer to select at least one time for notification are performed by a customer service representative.

Rajan teaches at col. 10, line 10-18, "It will be apparent to one with skill in the art that knowledge workers associated with creating input and output templates may perform their services from anywhere in a connected network without departing from the spirit and scope of the present invention. In one embodiment, input templates are supplied by knowledge workers (customer representative) associated with the service, while output templates are created by knowledge workers that are associated with various network hosting entities."

Therefore, it would have been an obvious to one of an ordinary skill in art, having the teachings of Langseth and Rajan in front of him at the time of invention was made, to add knowledge worker's functionality of Rajan into Langseth's creation of event notification for any subscriber as an option such that the Langseth's subscribers are

given choices whether they would like to use the web interface or the customer representative to create the subscription.

**Referring to claim 18,**

Keeping in mind the teachings of Langseth as stated above, Langseth fails to the system according to claim 8, wherein the means for generating a customer's financial notification preferences includes a customer service representative.

Rajan teaches at col. 10, line 10-18, "It will be apparent to one with skill in the art that knowledge workers associated with creating input and output templates may perform their services from anywhere in a connected network without departing from the spirit and scope of the present invention. In one embodiment, input templates are supplied by knowledge workers (customer representative) associated with the service, while output templates are created by knowledge workers that are associated with various network hosting entities."

Therefore, it would have been an obvious to one of an ordinary skill in art, having the teachings of Langseth and Rajan in front of him at the time of invention was made, to add knowledge worker's functionality of Rajan into Langseth's creation of event notification for any subscriber as an option such that the Langseth's subscribers are given choices whether they would like to use the web interface or the customer representative to create the subscription.

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHOK B. PATEL whose telephone number is (571)272-3972. The examiner can normally be reached on 6:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Abp

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/Ashok B. Patel/

Primary Examiner, Art Unit 2449